IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 27492 of 2006(W)

PETITIONERS:

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1. N.PRASADAN, S/O. K.SUKUMARAN,
   34/1374, 'VIPANCHIKA', PADIVATTOM,
   MOTHER TERESS ROAD, KOCHI-24.

2. K.P.VILASINI, D/O. KUNJUNNI NAIR,
   18/1742 A, THOZHOOR HOUSE, ELAMAKKARA, KOCHI-26.

3. E.S.SREEJITH, S/O. N.SREEDHARAN,
   48/738, KAUSALYA ROAD, DESABHIMANI ROAD,
   KOCHI-25.

4. SREEBA SREEDHARAN, D/O. N.SREEDHARAN,
   48/738, KAUSALYA ROAD, DESABHIMANI ROAD,
   KOCHI-26.

5. SANUJA SATHYAN, D/O.SATHYASEELAN ACHARI,
   'SANDHYA', 48/1607, WILLINGDON ISLAND.

6. SARITHA SATHYAN, D/O. SATHYASEELAN
   ACHARI, 'SANDHYA', 48/1607, WILLINGDON ISLAND.

7. K.R.DAMODARAN PILLAI, S/O.
   K.N.RAMAKRISHNAN PILLAI, 'KARTHIK',
   1/6, INCOME TAX COLONY.

8. M.RAJESHWARY, D/O. K.P.MADHAVAN NAIR,
   44/2818, LAKSHMI NIKETHAN,
   GEORGE EADEN LANE, DESABHIMANI ROAD, KOCHI-17.

9. K.T.KANAKARAJAN, S/O. K.K.KUNJIRAMAN
   NAMBIAR, THUSHARA, VAYALALAM DESOM.

10. GEETHA KANAKARAJAN, W/O.K.T.KANAKARAJAN,
    THUSHARA, VAYALALAM DESOM.

11. BINDU JAYARAM, W/O. JAYARAM PODAVAI,
    PUTHUVATTU HOUSE, ELAMAKKARA, KOCHI-24.

12. A.J.ALICE, D/O. T.C.JOHN,
    THICHILATH HOUSE, RAMAMANGALAM VILLAGE.

13. S.THULASI, D/O. P.K.SADANANDAN,
    KADAVIL HOUSE, MARADU VILLAGE.

14. BEENA JACOB, W/O. JACOB THOMAS,
50/2209, KAUSALYA NAGAR,
DESABHIMANI ROAD, KOCHI-26.

15. R.VISHWANATHAN, S/O. A.NARAYAN POTHUVAL,
B-1170, SATELLITE TOWNSHIP, KAKKANAD.

16. T.S.RADHA, W/O. BALAKRISHNAN,
'RAMYA', PALIAVOOR DESOM,
PALLASSANA VILLAGE, CHITTOOR TALUK.

17. C.BALASUBRAMANIAN, S/O. RAGHAVAN NAIR,
COMPANY EMPLOYEE, 'ATHIRA', KUNISSERY DESOM,
ARIMAYOOR II VILLAGE, ALATHOOR TALUK.

18. T.KALYANIKUTTY, W/O. P.SHIVASHANKARAN,
'SREEDEVI', PERUMPADAPPU GARDONS,
POONITHURA VILLAGE.

19. CHINNAMMA DILIP KUMAR, D/O. KURIAKOSE,
'EARUTHEDATH', CHETHUKODU DESOM,
EDAKKATTUVAYAL VILLAGE.

20. M.K.PRABHAKARAN NAIR, S/O. KRISHNA
PILLAI, 'SREE VIHAR', MUKUNDAPURAM TALUK.

21. N.RAJAM, W/O. M.K.PRABHAKARAN NAIR,
'SREE VIHAR', MUKUNDAPURAM TALUK.

BY ADV. SRI.A.BALAGOPALAN
SMT.KALA G.NAMBIAR

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,
ERNAKULAM, COLLECTORATE, CIVIL LINES,
KAKKANAD.

2. THE TAHSILDAR,
KUNNATHUNADU TALUK.

3. THE TALUK SURVEYOR,
KUNNATHUNADU TALUK.

BY GOVERNMENT PLEADER SRI. BENJAMIN PAUL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

EXT.P1: TRUE PHOTOSTAT COPY OF SALE DEED NO.1491/1995 OF S.R.O. PUTHENCRUZ.

EXT.P2: TRUE COPY OF THE BASIC TAX PAID RECEIPT DATED 27.11.1999 ISSUED BY THE VILLAGE OFFICER, KUNNATHUNADU VILLAGE TO THE 1ST PETITIONER.

EXT.P3: TRUE COPY OF SALE DEED NO.1418/1995 OF S.R.O. PUTHENCRUZ.

EXT.P4: TRUE COPY OF SALE DEED NI.3484/1994 OF S.R.O. PUTHENCRUZ.

EXT.P5: TRUE COPY OF BASIC TAX PAID RECEIPT DATED 2.2.2001 ISSUED BY THE VILLAGE OFFICER, KUNNATHUNADU VILLAGE TO THE 3RD PETITIONER.

EXT.P6: TRUE COPY OF SALE DEED NO.1402/1995 OF S.R.O. PUTHENCRUZ.

EXT.P7: TRUE COPY OF SALE DEED NO.3030/1995 OF S.R.O. PUTHENCRUZ.

EXT.P8: TRUE COPY OF SALE DEED NO.3031/1995 OF S.R.O. PUTHENCRUZ.

EXT.P9: TRUE COPY OF SALE DEED NO.1420/1995 OF S.R.O. PUTHENCRUZ.

EXT.P10: TRUE COPY OF BASIC TAX PAID RECEIPT DATED 16.2.2001 ISSUED BY THE VILLAGE OFFICER, KUNNATHUNADU VILLAGE TO THE 7TH PETITIONER.

EXT.P11: TRUE COPY OF SALE DEED NO.1419/1995 OF S.R.O. PUTHENCRUZ.

EXT.P12: TRUE COPY OF BASIC TAX PAID RECEIPT DATED 16.2.2001 ISSUED BY THE VILLGE OFFICER, KUNNATHUNADU VILLAGE TO THE 8TH PETITIONER.

EXT.P13: TRUE COPY OF SALE DEED NI.3020/1995 OF S.R.O. PUTHENCRUZ.

EXT.P14: TRUE COPY OF SALE DEED NO.3019/1995 OF S.R.O. PUTHENCRUZ.

EXT.P15: TRUE COPY OF SALE DEED NO.4617/1994 OF S.R.O. PUTHENCRUZ.

EXT.P16: TRUE COPY OF SALE DEED NO.3654/1995 OF S.R.O. PUTHENCRUZ.

EXT.P17: TRUE COPY OF SALE DEED NO.1417/1995 OF S.R.O. PUTHENCRUZ.

EXT.P18: TRUE COPY OF SALE DEED NO.3859/1995 OF S.R.O. PUTHENCRUZ.

EXT.P19: TRUE COPY OF SALE DEED NO.4616/1994 OF S.R.O. PUTHENCRUZ.

EXT.P20: TRUE COPY OF SALE DEED NO.4614/1994 OF S.R.O. PUTHENCRUZ.

EXT.P21: TRUE COPY OF SALE DEED NO.4613/1994 OF S.R.O. PUTHENCRUZ.

EXT.P22: TRUE COPY OF SETTLEMENT DEED NI.7452/1995 OF S.R.O. PUTHENCRUZ.

EXT.P23: TRUE COPY OF SALE DEED NO.1416/1995 OF S.R.O. PUTHENCRUZ IN RESPECT OF THE PURCHASE DONE BY THE HUSBAND OF THE 18TH PETITIONER.

EXT.P24: TRUE COPY OF SALE DEED NO.4800/1995 OF S.R.O. PUTHENCRUZ.

EXT.P25: TRUE COPY OF BASIC TAX PAID RECEIPT DATED 21.3.2005 ISSUED BY THE VILLAGE OFFICER, KUNNATHUNADU VILLAGE TO THE 19TH PETITIONER.

EXT.P26: TRUE COPY OF SALE DEED NO.1050/1995 OF S.R.O. PUTHENCRUZ.

EXT.P27: TRUE COPY OF BASIC TAX PAID RECEIPT DATED 16.2.2001 ISSUED BY THE VILLAGE OFFICER, KUNNATHUNADU VILLAGE TO THE 20TH AND 21ST PETITIONER.

EXT.P28: TRUE COPY OF THE REPRESENTATION MADE TO THE FIRST RESPONDENT BY THE FIRST PETITIONER DATED 17.10.2005.

EXT.P29 SERIES: TRUE COPIES OF THE APPLICATIONS SUBMITTED BY THE PETITIONERS TO THE SECOND RESPONDENT.

EXT.P30: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITONERS 1 TO 15.

EXT.P31: TRUE COPY OF THE SAID REPRESENTATION SUBMITTED BY THE PETITIONERS 16 TO 19 TO THE 1ST RESPONDENT.

EXT.P32: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIOENRS 20 AND 21 BEFORE THE FIRST RESPONDENT.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO. 27492 OF 2006

DATED THIS THE 22nd DAY OF AUGUST, 2007

JUDGMENT

The petitioners have approached this Court seeking the following reliefs.

> "(a) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction, directing respondents 2 to 3 to survey and demarcate the properties of the petitioners on the basis of Exhibit P 29 applications in accordance with the provisions contained in Survey and Boundary Rules, 1964;
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> (b) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction, directing the first respondent to dispose of Exhibit P30 to P32 representations within a reasonable time after affording the petitioners an opportunity of being heard and to issue directions to respondents 2 and 3 for survey and demarcation of the properties of the petitioners".

2. I have heard the learned Government pleader also. The learned Government pleader submits that the property comprises of very large extent without any proper boundary stones and therefore not less than a year would be required for the purpose of completing the survey and demarcation. He also points out several difficulties in the way of surveying and demarcating the properties in question. Taking into consideration all the aspects, I direct the respondents to

complete the survey and demarcation as expeditiously as possible, at any rate, within six months from the date of receipt of a copy of this judgment. If after six months still further time is required, they may apply for further time detailing the steps taken by them for completing the survey and demarcation and the reasons as to why the same could not be completed within the said period of six months.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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